

THURSDAY, MAY 2, 1991

FORTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jimmy Terry, Tabernacle Baptist Church, Clarksville, Tennessee.

Representative Knight led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

REPORT OF COMMITTEE ON CALENDAR AND RULES

May 2, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Monday, May 6, 1991: House Bill(s) No(s). 1085, 1140, 1141, 786, 926, 1155, 1192, 587, 931, 1380, 385 and 1159.

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 6, 1991: House Bill(s) No(s). 1227, 787, 1310 and 1065; also House Joint Resolution(s) No(s). 298, 270 and 785.

PHILLIPS, Chair.

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CONSENT CALENDAR

House Resolution No. 0080 -- Memorials, Personal Achievement -- Andy Armstrong, Geography Bee winner.

House Joint Resolution No. 0310 -- Memorials, Sports -- Will Allen Roundheads basketball team.

House Joint Resolution No. 0312 -- Memorials, Heroism -- Washington County Army units.

House Joint Resolution No. 0313 -- Memorials, Heroism -- Washington County Marines.

House Joint Resolution No. 0314 -- Memorials, Heroism -- Washington County National Guard units.

House Joint Resolution No. 0315 -- Memorials, Professional and Business Achievement -- Thomas W. Phillips, U. S. Magistrate.

House Joint Resolution No. 0316 -- Memorials, Sports -- Cheatham County High School girls' basketball team.

House Joint Resolution No. 0318 -- Memorials, Sports -- Celina High School girls' basketball team.

House Bill No. 1581 -- Obion -- Revises charter. Repeals Chapter 22, Private Acts of 1971, as amended.

House Bill No. 1594 -- Warren County -- Levies hotel/motel tax.

Senate Joint Resolution No. 0236 -- Memorials, Interns -- Lynette Kathleen Clark.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight,

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Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Resolution No. 0039 -- Memorials, Government Officials -- Urges attorney general to appeal Tennessee Small Schools v. McWherter.

Further consideration of House Resolution No. 39, previously considered on April 25, 1991, at which time it was reset to the Calendar for May 2, 1991.

Rep. Buck moved that House Resolution No. 39 be reset to the first available space, to the Calendar for Monday, May 6, 1991, which motion prevailed.

House Joint Resolution No. 0190 -- Memorials, Government Officials -- Urges Attorney General to appeal Tennessee Small Schools v. McWherter.

Further consideration of House Joint Resolution No. 190, previously considered on April 25, 1991, at which time it was reset to the Calendar for May 2, 1991.

Rep. Buck moved that House Joint Resolution No. 190 be reset to the first available space to the Calendar for Monday, May 6, 1991, which motion prevailed.

Senate Bill No. 0176 -- Sunset Laws -- Extends termination date of sentencing commission. Amends TCA, Title 4, Ch. 29; Title 40, Chs. 34, 35, 37; Title 41, Ch. 21.

Further consideration of Senate Bill No. 176 previously considered on April 25, 1991, at which time it was substituted for House Bill No. 161, Amendment(s) No(s). 1 and 2 were adopted; the motion was made to adopt Amendment No. 3; and the bill was reset to the Calendar for May 2, 1991.

Rep. King moved that **Senate Bill No. 176** be passed on third and final consideration.

Thereupon, Rep. Callicott renewed the motion to adopt Amendment No. 3.

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Rep. Purcell moved the previous question, which motion failed by the following vote:

Ayes.	59
Noes.	33
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), King, Kisber, Knight, Love, McDaniel, Moore, Napier, Nuber, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Crain, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McKee, Meyer, Niceley, Peroulas Draper, Phillips, Robinson (Washington), Shirley, Sipes, Stamps, Venable, Williams (Shelby), Williams (Union), Wood -- 33.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Callicott renewed the motion to adopt Amendment No. 3, which failed to be adopted by the following vote:

Ayes.	36
Noes.	57
Present and not voting.	1

Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Duer, Fowlkes, Gunnels, Haley, Halteman, Haun, Head, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Phillips, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Venable, Walley, Williams (Union), Wood -- 36.

Representatives voting no were: Armstrong, Arriola, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Dixon, Ferguson, Garrett, Givens, Hargrove, Harrill, Hassell, Herron, Hillis, Holt, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Moore, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tullos, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives present and not voting were: Allen -- 1.

Rep. Copeland moved to amend as follows:

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Amendment No. 4

Amend Senate Bill No. 176 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Notwithstanding provisions of Tennessee Code Annotated, Section 4-29-112, the sentencing commission shall terminate and shall cease all activities upon the effective date of this act.

Amendment No. 4 failed to be adopted by the following vote:

Ayes.	22
Noes.	70
Present and not voting.	2

Representatives voting aye were: Anderson, Callicott, Chiles, Coffey, Copeland, Crain, Davis (Cocke), Duer, Gunnels, Haun, Head, Joyce, Liles, McDaniel, McKee, Meyer, Niceley, Robinson (Washington), Shirley, Sipes, Williams (Union), Wood -- 22.

Representatives voting no were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Haley, Halteman, Hargrove, Harrill, Hassell, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Moore, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 70.

Representatives present and not voting were: Allen, Nuber -- 2.

Rep. Severance moved the previous question, which motion prevailed.

Thereupon, Rep. King moved that **Senate Bill No. 176**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	79
Noes.	17
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Herron, Hill, Hillis, Holcomb, Hubbard,

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Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Anderson, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Duer, Gunnels, Haun, Head, Joyce, Liles, Meyer, Niceley, Shirley, Stamps, Wood -- 17.

Representatives present and not voting were: Allen -- 1.

A motion to reconsider was tabled.

***House Bill No. 1304** -- Medicare and Medicaid -- Revises determination of resources for eligibility for medicaid assistance; changes time from 24 to 30 months for resources sold or given away at less than fair market value to establish eligibility. Amends TCA, Titles 56, 68, 71.

Further consideration of House Bill No. 1304, previously considered on April 25, 1991, at which time it was reset to the Calendar for May 2, 1991.

Rep. West moved that House Bill No. 1304 be reset to the next available space to the Calendar for Monday, May 6, 1991, which motion prevailed.

House Bill No. 1568 -- Bedford County -- Enacts hotel/motel tax.

Further consideration of House Bill No. 1568, previously considered on April 10, 1991, at which time it was held on the Clerk's desk.

Thereupon, Rep. Phillips moved that **House Bill No. 1568**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	0
Present and not voting.	11

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier,

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Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Arriola, Ferguson, Givens, Gunnels, Nuber, Rigsby, Sipes, Stamps, Tullos, Walley, Williams (Union) -- 11.

A motion to reconsider was tabled.

House Bill No. 0881 -- Civil Procedure -- Exempts records custodians from subpoena to trial. Amends TCA 24-9-101.

Further consideration of House Bill No. 881, previously considered on April 29, 1991, at which time it was reset to the Calendar for May 2, 1991.

Rep. Bittle moved that House Bill No. 881 be reset to the Calendar for Monday, May 6, 1991, which motion prevailed.

House Bill No. 0264 -- General Assembly -- Moves portion of state representative district 75 to state representative district 76. Amends TCA, Titles 2, 3.

Rep. Ridgeway moved that House Bill No. 264 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 264 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 2-3-102, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) After the effective date of this act, no voting precinct shall be established, created, consolidated, divided or the boundaries otherwise altered unless ordered by a court of competent jurisdiction; by reason of an annexation or other change in the boundary of a county or municipality or in accordance with subdivision (2) of this subsection. Any boundary which is altered in accordance with the provisions of this subdivision shall coincide with a census block, tract, municipal or county boundary as designated on United States

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Bureau of the Census maps prepared for the 1990 federal decennial census.

(2) The county election commission may establish, consolidate or change the boundaries of precincts whenever the public convenience or law requires it; provided, however, that if any precinct boundary is altered pursuant to this subdivision then all of the following conditions must be met:

(A) Any boundary which is altered in accordance with the provisions of this subdivision shall coincide with a census block, tract, municipal or county boundary as designated on United States Bureau of the Census maps prepared for the 1990 federal decennial census; and

(B) All precinct boundaries within the jurisdiction of such county election commission that do not coincide with a census block, tract, municipal or county boundary as designated on United States Bureau of the Census maps prepared for the 1990 federal decennial census shall be altered so that such boundaries do coincide with a census block, tract, municipal or county boundary as designated on United States Bureau of the Census maps prepared for the 1990 federal decennial census.

(3) Any political subdivision which alters the boundaries of any voting precinct in accordance with the provisions of the subsection shall send a map to the office of local government and to the office of management information services for the general assembly which clearly shows the new boundaries of such voting precinct; and

(4) All census descriptions, census delineations, census district lines and other census designations as used in this subsection are those established for and by the United States Bureau of the Census for taking the 1990 federal decennial census in Tennessee.

Section 2. Tennessee Code Annotated, Section 3-1-102, is amended by deleting subsection (k) in its entirety. Tennessee Code Annotated, Section 3-1-103, is amended by deleting subsection (i) in its entirety.

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, Rep. Ridgeway moved that **House Bill No. 264**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	99
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 0703 -- Divorce and Annulment -- Makes violation of support order Class E felony. Amends TCA, Title 36.

Rep. Odom moved that House Bill No. 703 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 703 by deleting Sections 1 and 2 of the printed bill in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-601 is by deleting subsection (4) and substituting instead the following:

(4) "Family or household member means:

(A) spouses;

(B) persons living as spouses;

(C) persons related by blood or marriage;

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(D) a respondent who is the parent of the petitioner's child;

(E) persons whose sexual relationship has resulted in a current pregnancy; and

(F) other persons jointly residing in the same dwelling unit, who are eighteen (18) years of age or older, or who are emancipated.

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new, appropriately numbered section:

Section _____. (a) Failure of a respondent to contest paternity in any proceeding commenced pursuant to this part shall not be construed as an admission of paternity by such respondent nor shall such failure to contest be admissible as evidence against such respondent at any pending or subsequent paternity proceeding.

(b) Where paternity is contested in a proceeding commenced pursuant to this part, if the court orders the parties to submit to any tests and comparisons to determine parentage authorized by Tennessee Code Annotated, Section 24-7-112, the court may grant an order of protection pending the outcome of any such tests and comparisons.

SECTION 3. Tennessee Code Annotated, Section 36-2-103, is amended by deleting from subsection (f) the words "after filing a paternity petition".

SECTION 4. Tennessee Code Annotated, Section 36-3-606 is amended by adding the following as an appropriately lettered new subsection:

() If the petitioner is a family or household member as defined in Tennessee Code Annotated, Section 36-3-601(4)(D) or (E), the provisions of subsection (a)(2) and (a)(3) of this section shall not apply to such petitioner.

SECTION 5. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Odom moved that **House Bill No. 703**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	2
Present and not voting.	2

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Hassell, Stamps -- 2.

Representatives present and not voting were: Callicott, Robinson (Hamilton) -- 2.

A motion to reconsider was tabled.

***House Bill No. 0215 -- Mental Health and Mental Retardation, Dept. of --** Increases penalty for furnishing false information to secure admission of mentally ill or retarded from Class C to Class B misdemeanor. Amends TCA, Title 33.

Rep. Odom moved that House Bill No. 215 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 215 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-8-504, is amended by inserting the following language as a new, appropriately numbered item:

() "Approved public social services facility" means a not-for-profit social services agency meeting the standards prescribed by the local courts acting in consultation with the county health department;

SECTION 2.

(a) Tennessee Code Annotated, Section 33-8-504(10), is amended by deleting the words and

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punctuation "and social service care," and by substituting instead the following:

and/or social service care,

(b) Tennessee Code Annotated, Section 33-8-504(10), is further amended by deleting the words and punctuation "and career counseling," and by substituting instead the following:

and/or career counseling,

SECTION 3. Tennessee Code Annotated, Section 33-8-505(5), is amended by deleting the words "treatment facilities for alcoholics" and by substituting instead the following:

treatment facilities or social services facilities for alcoholics

SECTION 4. Tennessee Code Annotated, Section 33-8-506, is amended by deleting the words "an appropriate treatment resource" and by substituting instead the following:

an appropriate treatment and/or social services resource

SECTION 5.

(a) Tennessee Code Annotated, Section 33-8-507(a), is amended by deleting from the first sentence the words "for the treatment and housing" and by substituting instead the following:

for the treatment and/or housing

(b) Tennessee Code Annotated, Section 33-8-507, is amended by deleting the words "treatment facility" wherever such words appear and by substituting instead the following:

treatment or social services facility

(c) Tennessee Code Annotated, Section 33-8-507(b)(4), is amended by deleting the words "treatment provided" and by substituting instead the following:

treatment or services provided

SECTION 6. Tennessee Code Annotated, Section 33-8-509, is amended by deleting the words "approved treatment facility" wherever such words appear and by substituting instead the following:

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approved treatment or social services facility

SECTION 7. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 215 by deleting from Section 2(a) and (b) the citation "Section 33-8-504(10)", and by substituting instead the citation "Section 33-8-504(11)".

AND FURTHER AMEND by deleting Section 4 in its entirety, and by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Dixon renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Odom moved that **House Bill No. 215**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0973 -- Public Defenders -- Requires financially able defendants to pay for representation. Amends TCA, Title 8, Ch. 14.

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Rep. Buck moved that House Bill No. 973 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as House Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 973 by deleting the first sentence of subsection (1) of the amendatory language of Section 4 and substituting instead the following:

If the court appoints the district public defender to represent an accused in any proceeding under this section, but finds the accused is financially able to defray a portion or all the cost to the state of representation by the public defender, then the court shall enter an order directing the party to pay into the registry of the clerk of such court such sum of money as the court determines the accused is able to pay.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 973 by deleting Section 1 and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 8-14-201(1) is amended by deleting the word "other" and substituting instead the words "juvenile delinquency".

FURTHER AMEND by deleting Section 3 and substituting instead the following:

Section 3. Tennessee Code Annotated, Section 8-14-205(a) is amended by deleting from the first sentence the words "other proceeding" and substituting instead the words "juvenile delinquency proceeding".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 973, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1357 -- County Officers -- Permits adding employees of certain detention center under classified services. Amends TCA, Title 8, Ch. 8, Pt. 4.

On motion, House Bill No. 1357 was made to conform with Senate Bill No. 1336.

On motion, **Senate Bill No. 1336**, on same subject, was substituted for House Bill No. 1357.

Rep. Haun moved that **Senate Bill No. 1336** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Haun moved that **Senate Bill No. 1336** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby),

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Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 0860 -- Hickman County -- Increases severance tax on phosphate rock, ore or phosphate bearing material. Amends Chapter 92, Private Acts of 1979.

Further consideration of House Bill No. 860, previously considered on May 1, 1991, at which time it was reset to the Calendar for May 2, 1991.

Rep. Jackson moved that House Bill No. 860 be reset two weeks to the Calendar for Thursday, May 16, 1991, which motion prevailed.

***House Bill No. 0155** -- Sunset Laws -- Extends termination date of public service commission. Amends TCA, Title 4, Ch. 29; Title 65.

Further consideration of House Bill No. 155, previously considered on May 1, 1991, at which time Amendment(s) No(s). 1 and 2 were adopted; the motion was made to adopt Amendment No. 3; and the bill was reset to the Calendar for May 2, 1991.

Rep. King moved that House Bill No. 155 be passed on third and final consideration.

Thereupon, Rep. Haun renewed the motion to adopt Amendment No. 3.

RULING OF THE CHAIR REQUESTED

Rep. Rhinehart asked for a ruling of the Chair under **Rule No. 66** as to whether Amendment No. 3 was appropriately before the House.

RULING OF THE CHAIR

The Chair ruled that Amendment No. 3 was appropriately before the body and appropriately under consideration.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Haun renewed his motion for adoption of Amendment No. 3.

Rep. Kernell moved to amend as follows:

Amendment No. 1 to Amendment No. 3

Amend House Bill No. 155 by adding after the first sentence of Section ___(a) the following new sentence:

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Areas of current and potential new regulation may be examined.

On motion, Amendment No. 1 to Amendment No. 3 was adopted.

Thereupon, Rep. Haun renewed the motion to adopt Amendment No. 3, as amended, which motion prevailed.

Ayes.	53
Noes.	40
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Callicott, Chiles, Chumney, Coffey, Cole, Copeland, Curlee, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Holcomb, Hubbard, Jackson, Johnson, Joyce, Kent, Kisber, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 53.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Byrd, Clark, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Garrett, Givens, Hargrove, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), King, Love, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Tindell, Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 40.

Representatives present and not voting were: Kernell, Knight -- 2.

Thereupon, Rep. King moved that **House Bill No. 155**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	9
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

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Representatives voting no were: Allen, Callicott, Chiles, Cross, Ferguson, Head, Hillis, Holcomb, Windle -- 9.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from present not voting to aye on House Bill No. 155 and have this statement entered in the Journal. I was not at my seat when the vote was taken.

Rep. Randy Stamps

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 0121** -- General Assembly, Statement of Intent or Position -- Expresses that adequate funding resources be provided to assist and encourage indigent families working to improve economic independence and quality of life.

Senate Amendment No. 1

Amend House Joint Resolution No. 121 by deleting from the first resolving clause the word "must" and by substituting instead the word "should".

Rep. Pruitt moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 121**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 0128** -- Telecommunications -- Prohibits recorded message calls relative to collection of debts absent compliance with Consumer Telemarketing Protection Act of 1990. Amends TCA, Title 47, Ch. 18, Pt. 15.

Rep. Purcell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to **Senate Bill No. 128**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0632 -- Real Property -- Permits court to grant mutual use easement when landlocked property owner petitions for private road easement. Amends TCA, Title 54, Ch. 14.

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Senate Amendment No. 1

AMEND House Bill No. 632 by deleting the words and figures "Tennessee Code Annotated, Section 54-14-117" in the first sentence of the amendatory language of Section 1 and by substituting instead the words "this chapter".

AND FURTHER AMEND by deleting the words "no writ of possession shall be issued, title" and by substituting instead the word "ownership".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 632, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Callicott -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE
May 1, 1991

MR. SPEAKER: I am directed to request the return of Senate Bill No. 708, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SENATE BILL RETURNED

There being no objection, Rep. Odom asked that the Clerk be directed to return Senate Bill No. 708 to the Senate as requested.

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Senate Bill No. 0708 -- Holidays -- Makes Father's Day day of special observance. Amends TCA, Title 15. by *McNally.

RULES SUSPENDED

Rep. Head moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 243 out of order, which motion prevailed.

Senate Joint Resolution No. 0243 -- Memorials, Heroism -- Sean A. Schippers.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Head, the resolution was concurred in by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE May 2, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 244 and 247; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0244 -- Memorials, Public Service -- Myrtle Cook Curry. by *Kyle.

Senate Joint Resolution No. 0247 -- Memorials, Public Service -- Herschel Cloyd Ligon. by *Hicks.

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RULES SUSPENDED

Rep. U. Jones moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 244 out of order, which motion prevailed.

Senate Joint Resolution No. 0244 -- Memorials, Public Service --
Myrtle Cook Curry.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. U. Jones, the resolution was concurred in by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. West moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 247 out of order, which motion prevailed.

Senate Joint Resolution No. 0247 -- Memorials, Public Service --
Herschel Cloyd Ligon.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. West, the resolution was concurred in.

A motion to reconsider was tabled.

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill(s) No(s). 322 and 686 can be heard by the Health and Human Resources Committee on Wednesday, May 8, 1991, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolution(s) No(s). 177 and 231 can be heard by the Transportation Committee on Tuesday, May 7, 1991, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Monday, May 6, 1991:

Senate Bill No. 268: Rep. Collier.

House Bill No. 1008: Rep. Garrett.

House Bill No. 1028: Rep. Wix.

House Bill No. 1306: Rep. Curlee.

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0081 -- Memorials, Interns -- Daphne D. Taylor. by *Hubbard, *Holcomb.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0082 -- Memorials, Recognition and Thanks -- Myrtle Cook Curry. by *Jones U, *DeBerry.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0083 -- Memorials, Personal Achievement -- Carol Lamons, State and Regional American Legion Oratorical Contest winner. by *Sipes.

Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0084 -- Memorials, Interns -- J. Michael Carpenter. by *Williams K, *Joyce.

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Referred by the Speaker to the Calendar and Rules Committee.

House Resolution No. 0085 -- Memorials, Interns -- Hames Jackson Presswood, Jr. by *Severance, *Peroulas Draper.

Referred by the Speaker to the Calendar and Rules Committee.

***House Joint Resolution No. 0311** -- Memorials, Congress -- Makes application for constitutional convention to propose amendment requiring balanced budget. by *Joyce, *Coffey, *Stamps, *Hubbard, *Venable, *Liles, *Haley, *Sipes, *McDaniel, *Niceley, Shirley, McKee, Anderson, Allen, Robinson Ruth, Huskey, Haun, Halteman, Byrd, Collier, Hassell, Knight, Copeland.

Referred by the Speaker to the State and Local Government Committee.

House Joint Resolution No. 0317 -- General Assembly, Studies -- Creates joint committee to study Medicaid reform. by *Arriola.

Referred by the Speaker to the Health and Human Resources Committee.

House Joint Resolution No. 0319 -- Memorials, Heroism -- Washington County naval units. by *Allen, *Robinson Ruth.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0320 -- Memorials, Retirement -- Sue Young. by *Bell.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0321 -- Memorials, Congratulations -- Svend Wildenrath. by *Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0322 -- Memorials, Sports -- Coffee County Central High School varsity cheerleaders, 1991 Cheerleaders of America national champions. by *Curlee.

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0209 -- Memorials, Interns -- Sherry Tolliver.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0213 -- Memorials, Interns -- Sheila Humphrey.

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Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0216 -- Memorials, Death -- Jimmy Nelson.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0219 -- Memorials, Interns -- Michael Dioguardi.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0221 -- Memorials, Professional and Business Achievement -- Cumberland Hardwoods, 1991 finalist Governor's Excellence awards.

Referred by the Speaker to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

The resolutions listed below were referred as noted:

***Senate Joint Resolution No. 0211 -- Naming and Designating -- Tennessee State Employee Week, June 23-29, 1991.**

Referred by the Speaker to the State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1601 -- Murfreesboro -- Revises charter relative to territorial jurisdiction, condemnation, police, poll tax, liability, qualifying of voters, ordinances, legal process, purchases, public contracts and bonds. Amends Chapter 429, Private Acts of 1931, as amended. by *Bragg.

Passed first consideration.

House Bill No. 1602 -- Jellico -- Revises charter. Repeals Chapter 336, Acts of 1903, as amended. by *Cross.

Passed first consideration.

House Bill No. 1603 -- Springfield -- Revises nepotism law in city of Springfield. Amends Chapter 1, Private Acts of 1989. by *Davidson.

Passed first consideration.

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House Bill No. 1604 -- Decatur County -- Revises purchasing provisions. Amends Chapter 254, Private Acts of 1913, as amended. by *McDaniel.

Passed first consideration.

House Bill No. 1605 -- Cheatham County -- Enacts hotel/motel tax. by *Head, *Davidson.

Passed first consideration.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1608 and 1609, was/were referred to the Delayed Bills Committee.

***House Bill No. 1608** -- Election Laws -- Extends voting privileges to certain non-resident property owners in Spring City. Amends TCA 6-20-106. by *Duer.

***House Bill No. 1609** -- Criminal Offenses -- Increases penalty for cruelty to animals; establishes civil penalty. Amends TCA, Title 39, Ch. 14, Pt. 2. by *Anderson, *Huskey.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

Senate Bill No. 0974 -- Alcoholic Beverages -- Prohibits issuance of retail beer permit without valid resale permit from department of revenue. Amends TCA 57-5-104. (*HB 0301).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0988** -- Commerce and Insurance, Dept. of -- Authorizes increases in security guard fee structures to make regulatory program self sufficient. Amends TCA, Title 62, Ch. 35. (HB 1109).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1225** -- Insurance, Health, Accident -- Requires health insurance policies to cover adopted children. Amends TCA, Title 56, Ch. 7, Pt. 10. (HB 1212).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1399** -- Taxes, Personal Property -- Provides that equipment valued at \$500 or less is deemed to have no value for personal property tax purposes. Amends TCA 67-5-901. (HB 1440).

Held pending third consideration of companion House Bill.

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1595 -- Crossville -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1596 -- Trenton -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1597 -- Crossville -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1598 -- Crossville -- Passed second consideration held on Clerk's desk pending approval by local delegation.

House Bill No. 1599 -- Crossville -- Passed second consideration held on Clerk's desk pending approval by local delegation.

***House Bill No. 1600** -- Spring City -- Passed second consideration held on Clerk's desk pending approval by local delegation.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 122: Rep(s). Bell as prime sponsor(s).

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 2, 1991

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1595, 1596, 1597, 1598 and 1599.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 2, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s)

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

on the **Consent Calendar** for **Monday, May 6, 1991**: House Resolution(s) No(s). 81, 82, 83, 84 and 85; House Joint Resolution(s) No(s). 319, 320, 321 and 322; Senate Joint Resolution(s) No(s). 209, 213, 216, 219 and 221; also, House Bill(s) No(s). 1595, 1596, 1597, 1598 and 1599.

PHILLIPS, Chair.

ENGROSSED BILLS
May 2, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1581 and 1594; also, House Joint Resolution(s) No(s). 310, 312, 313, 314, 315, 316 and 318.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
May 1, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1584, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 77.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 85.

The Senate concurred in House Amendment(s) No(s). 1 and 5, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, House Bill No. 294.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, House Bill No. 1175.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, as amended; withdrew Amendment No. 1, as amended; reconsidered adoption of Amendment No. 3; withdrew Amendment No. 3; adopted Amendment No. 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 42, 153, 157, 158, 159, 160, 163, 164, 165, 166, 233, 234, 236, 239, 240, 244, 252, 254, 256, 1037, 1311, 1402, 1570, 1573, 1577, 1578 and 1585; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
May 2, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 103, 185, 288, 290, 291, 292, 293 and 295; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

ENGROSSED BILLS

May 2, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 155, 215, 264, 703, 973 and 1568; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 2, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 65, 427, 519, 1170, 1214, 1248 and 1537; also, Senate Joint Resolution(s) No(s). 208; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 2, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 244; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

May 2, 1991

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 244.

SIGNED

May 2, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 65, 427, 519, 1170, 1214, 1248 and 1537; also, Senate Joint Resolution(s) No(s). 208.

MESSAGE FROM THE SENATE

May 2, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

Bill(s) No(s). 1019; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1019 -- DUI/DWI Offenses -- Establishes procedure for immediate revocation of driver license. by *Patten, *Gilbert, *McNally, *Crowe.**

MESSAGE FROM THE SENATE

May 2, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 210, 217, 223, 224 and 225; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0210 -- Highway Signs -- Inez Burns Parkway, U. S. Highway 321. by *Koella, *Gilbert, McKnight.**

***Senate Joint Resolution No. 0217 -- Highway Signs -- Veterans Memorial Bridge, S.R. 25, Smith County. by *Burks.**

Senate Joint Resolution No. 0223 -- Memorials, Death -- Dr. Raymond A. Johnson. by *McNally.

Senate Joint Resolution No. 0224 -- Memorials, Public Service -- Jennifer Ford. by *Ford, *Person, *Womack, *Cooper, Hicks, Henry, Patten, Montgomery, Crutchfield, Cohen, McKnight.

Senate Joint Resolution No. 0225 -- General Assembly, Statement of Intent or Position -- Knoxville bid for venue in 1994 Soccer World Cup. by *Gilbert, McNally.

ENROLLED BILLS

May 2, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 18, 42, 153, 157, 158, 159, 160, 163, 164, 165, 166, 233, 234, 236, 239, 240, 244, 252, 254, 256, 294, 632, 944, 956, 1037, 1094, 1173, 1311, 1395, 1402, 1570, 1573, 1577, 1578, 1579, 1585 and 1589; House Resolution(s) No(s). 77, 78, 79 and 80; also, House Joint Resolution(s) No(s). 103, 121, 185, 273, 275, 277, 278, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 294, 295 and 308; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, MAY 2, 1991 -- FORTY-THIRD LEGISLATIVE DAY

SIGNED
May 2, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 18, 42, 153, 157, 158, 159, 160, 163, 164, 165, 166, 233, 234, 236, 239, 240, 244, 252, 254, 256, 294, 632, 944, 956, 1037, 1094, 1173, 1311, 1395, 1402, 1570, 1573, 1577, 1578, 1579, 1585 and 1589; House Joint Resolution(s) No(s). 103, 121, 185, 273, 275, 277, 278, 282, 283, 284, 285, 286, 287, 288, 290, 291, 292, 293, 294, 295 and 308; also, House Resolution(s) No(s). 77, 78, 79 and 80.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., on Monday, May 6, 1991.